

A RESOLUTION

07-R - 07-R-1688

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF RAHUL GOGATE V. VINCENT AMERENA, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, CIVIL ACTION FILE NO. 1:02-CV-3204-CC, IN THE AMOUNT OF \$225,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1A01 (GENERAL FUND), ACCOUNT 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER T31001 (NON-DEPARTMENTAL); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Rahul Gogate v. Vincent Amerena, is a case in which the Plaintiff, Rahul Gogate, is suing for personal injuries received when he was arrested by an by former Atlanta Police Officer Vincent Amerena on charges of obstruction and simple battery on a police officer; and

WHEREAS, Plaintiff has alleged that Officer Amerena arrested him without probable cause, used excessive force during his arrest and that he was deprived of his rights secured by the United States Constitution; and

WHEREAS, as a result of his arrest by Officer Amerena, Plaintiff suffered an injury to his jaw resulting in surgery to repair the injury; and

WHEREAS, the parties have participated in arbitration, where it was determined that Plaintiff's injuries will result in some permanent damage to his face and jaw; and

WHEREAS, the City has weighed the significant expense required to continue to defend the litigation against the opportunity to resolve the litigation expeditiously; and

WHEREAS, the Plaintiff is willing to settle all claims against former Officer Vincent Amarena and The City of Atlanta for two hundred and twenty-five thousand dollars (\$225,000.000) an amount that includes all costs and attorney's fees, including a dismissal with prejudice as to all claims against former Officer Amerena; and

WHEREAS, the City Attorney recommends this settlement because it is in the best interests of the City;

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE
CITY OF ATLANTA, GEORGIA, as follows:**

SECTION 1. That the City Attorney is hereby authorized to conclude the settlement of all claims of Rahul Gogate against Vincent Amerena as set forth in Civil Action FILE NO. 1:02-CV-3204-CC, in the United States District Court for the Northern District of Georgia, for the aggregate amount of two hundred and twenty-five thousand dollars (\$225,000.000), including execution of settlement documents;

SECTION 2. That the Chief Financial Officer is authorized to pay to Rahul Gogate and his attorney Howard Manchel, the total sum of \$225,000.00, which shall be paid from **Fund 1A01 (General Fund), Account 529017 (Property Liquidation) and Center Number T31001 (Non Departmental).**